

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

Marrero, J

THE TRUSTEES OF THE
UNITE HERE NATIONAL HEALTH FUND and
THE TRUSTEES OF THE
UNITE HERE NATIONAL RETIREMENT FUND,
Plaintiffs,

against

LOUIS HORNICK & CO., INC.,
Defendant.

**NOTICE OF DISMISSAL
PURSUANT TO RULE 41(a)
07 Civ. 6772 (VM)**

SIRS:

PLEASE TAKE NOTICE, that The Trustees of the UNITE HERE National Health Fund and The Trustees of the UNITE HERE National Retirement Fund (hereinafter, the "Plaintiffs"), having commenced the within action by filing the Summons and Complaint on July 27, 2007 and a copy of the Summons and Complaint having been served on Louis Hornick & Co., Inc., (hereinafter, the "Defendant"), and no Answer, Counterclaim nor Motion for Summary Judgment having been served by the Defendant, and it being the Plaintiffs' intention to voluntarily dismiss this action without prejudice;

THEREFORE, pursuant to the provisions of Rule 41(a) of the Federal Rules of Civil Procedure, the within action is hereby voluntarily dismissed without prejudice.

Dated: September 17, 2007
New York, New York

Mark Schwartz

Mark Schwartz, Esq. (MS-0148)
Attorney for Plaintiffs
730 Broadway, 10th Floor
New York, New York 10003-9511
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SO ORDERED:

18 September 2007

[Signature]
Victor Marrero

United States District Court Judge

**USDS SDNY
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